

1 BILL NO. Z-85-08-24

2 ZONING MAP ORDINANCE NO. Z-13-85

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. K-18.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby
9 designated a B-4 (Roadside Business) District under the terms of Chapter 33
10 of the Code of the City of Fort Wayne, Indiana of 1974:

11
12 The North 25 feet of Lot #3 in Lillie Place Addition
13 to the city of Fort Wayne, according to the recorded
14 plat thereof

15 and the symbols of the City of Fort Wayne Zoning Map No. K-18, as
16 established by Section 11 of Chapter 33 of the Code of the City of Fort
17 Wayne, Indiana are hereby changed accordingly.

18 SECTION 2. That this Ordinance shall be in full force
19 and effect from and after its passage and approval by the Mayor.

20
21 Mark B. Reed
22 COUNCILMEMBER

23 APPROVED AS TO FORM AND LEGALITY:

24
25 Bruce O. Boxberger
26 BRUCE O. BOXBERGER, CITY ATTORNEY
27
28
29
30
31
32

Read the first time in full and on motion by Redd
seconded by Salas, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the Ci
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M., E

DATE: 8-27-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd
seconded by Salas, and duly adopted, placed on its
passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 11-12-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-13-85
on the 12th day of November, 19 85,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 13th day of November, 19 85
at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of November
19 85, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE USED AUTO SALES

THIS IS TO BE FILED IN DUPLICATE

I/We RALPH E. BEARD MARY V. BEARD
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1 District to a/an B4 District the property described as follows:

~~S 12 1/2 FT LOT 2 LILLIE PLACE~~

~~ADD 4 25 FT LOT 3 LILLIE PLACE ADD~~

North 25 feet of Lot #3 in Lillie Place Addition

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2615 SHERMAN BLVD.

FT. WAYNE IN. 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>RALPH E. BEARD</u>	<u>5707 ROARING FORK RVN</u>	<u>Ralph E. Beard</u>
<u>Ralph E. Beard</u>	<u>FT. WAYNE, IN 46825</u>	<u>Mary V. Beard</u>
<u>Mary V. Beard</u>	<u>" "</u>	<u>" "</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Ralph E. Beard</u>	<u>5707 ROARING FORK RVN</u>	<u>219 484 0113</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

S 12 1/2 FT LOT 2 LILLIE PLACE
ADD N 25 FT LOT 3 LILLIE PLACE ADD

Owners of Property

RALPH E. BEARD	5707 ROARING FORK ^{RVN}	Ralph E. Beard
MARY V. BEARD	RT. WAYNE, IN. 46825	Mary V. Beard
	"	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-34;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

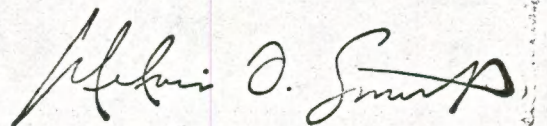
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1985.

Certified and signed this
1st day of November 1985.



Melvin O. Smith
Secretary

ORIGINAL

DIGEST SHEET

ORIGINAL

Admn. Appr. _____

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-85-08-34

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE North 25 feet of Lot #3 in Lillie Place Addition.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become B-4 - Roadside Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family

Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

Z-85-08-34

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

2615 Sherman Street

Reason for Project

Half of lot is already zoned B-4, this rezoning will make the entire lot one zoning classification.

Discussion (Including relationship to other Council actions)August 19, 1985 - Public Hearing

Ralph Beard, petitioner, 5707 Roaring Fork Run, stated that the property in question has a building located on it which presently straddles two zoning classifications. He stated one was B-4 and the other R-1. He stated that the building is adjacent to a used car lot on the north and a vacant residence on the south. He stated that the party that owns the used car lot wants to buy this property and he (Mr. Beard) was requesting the rezoning in order to sell the property.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

August 26, 1985 - Business Meeting

Of the 9 members present 8 voted in favor of a DO PASS recommendation one did not vote.

A condition was placed on this rezoning

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Ralph Beard
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

that the petitioner install an opaque fence six (6) feet in height along the south edge of the property prior to the rezoning being processed to City Council. The City Zoning Enforcement Officer has verified that this condition has been met and the fence has been installed.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date July 17, 1985

Projected Completion or Occupancy

Date November 4, 1985

Fact Sheet Prepared by

Patricia A. Biancaniello

Date November 4, 1985

Reviewed by

Gary Datto

Date

11/4/85

Reference or Case Number

RECEIPT

CK # 381
COMMUNITY DEVELOPMENT & PLANNING

No 12057

FT. WAYNE, IND., 7-17-1985

RECEIVED FROM Ralph Beaud \$ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF 3615 Sherman St.

AUTHORIZED SIGNATURE
H.B.

REZONING

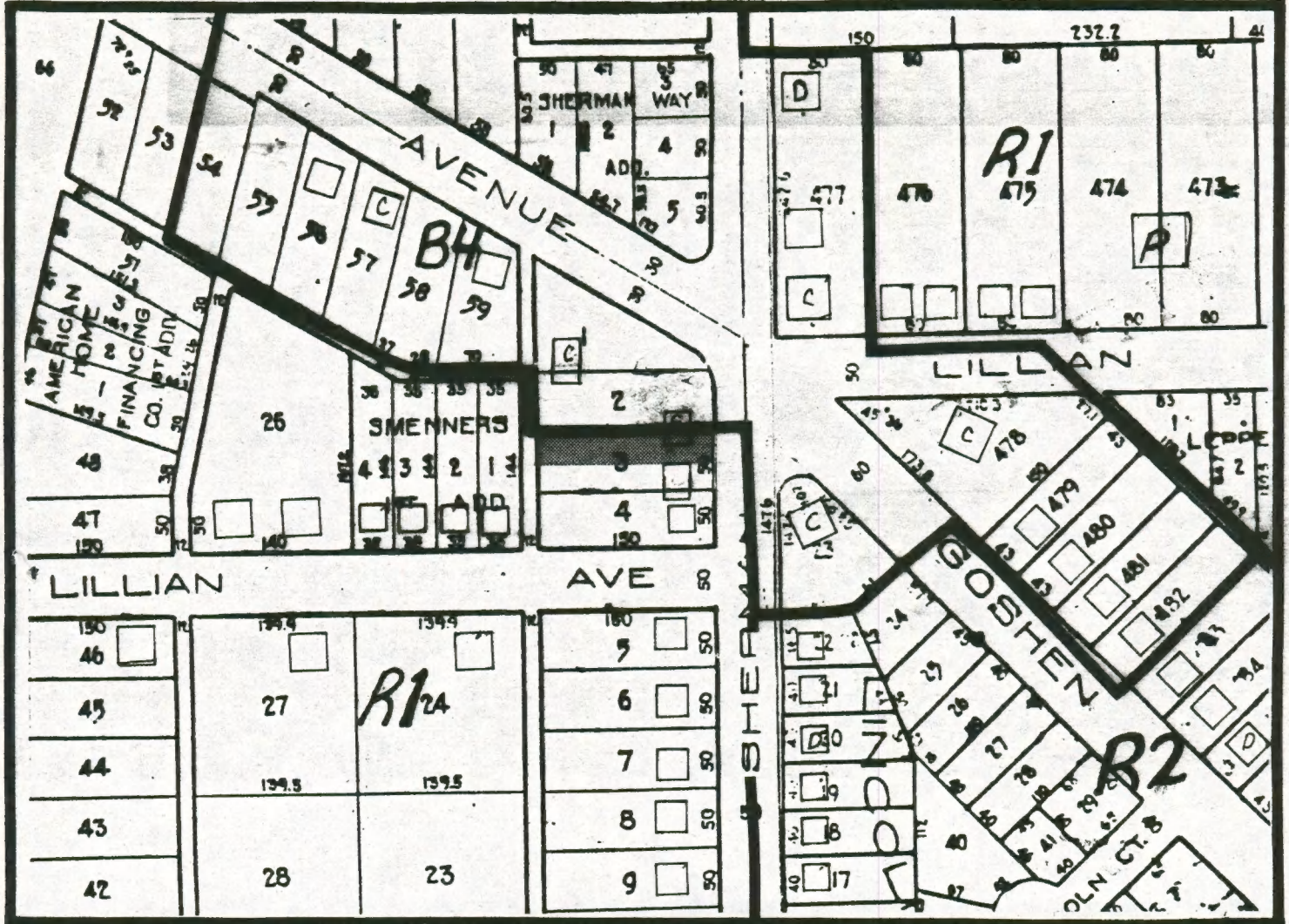
PETITION

#147

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R1 DISTRICT TO A B4 DISTRICT.

MAP NO. K-18

COUNCILMANIC DISTRICT NO. 3



Zoning:

R1 RESIDENTIAL DISTRICT.
R2 RESIDENTIAL DISTRICT.
B4 ROADSIDE BUSINESS

Land Use:

□ SINGLE FAMILY
□ DUPLEX
□ PUBLIC CHURCH

Bill NO. Z-85-08-34

Scale: 1" = 130'

40

Date: 7-30-85

NORTH



BILL NO. 2-85-08-34

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) AN ORDINANCE amending the

City Of Fort wayne Zoning Map No. K-18.

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION) _____

YES

NO

Charles B. Redd

CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier

JAMES S. STIER

Ben A. Eisbart

BEN A. EISBART

Donald J. Schmidt

DONALD J. SCHMIDT

CONCURRED IN 11-12-85

SANDRA E. KENNEDY
CITY CLERK